



House Law & Justice Committee

RE: HB 5377

Position: Support

February 6, 2018

The ACLU of Michigan supports House Bill 5377 because it establishes necessary clarifications to the statutory standards as to when the Parole Board can depart from the parole guidelines to deny parole to low risk prisoners.

In the United States, prison sentences are long and getting longer, and our swelling prison systems are a humanitarian and financial catastrophe. Today, people are spending longer in prison than ever before—not only because of long sentences at the front-end but also because of the criminal justice system’s failure to release people at the back-end. Long after people have served substantial time in prison, been rehabilitated, and are ready to return to their communities, tens of thousands of people remain incarcerated because of the criminal justice system’s failure to release them.

We support HB 5377 for three key reasons:

- 1. Objective parole standards promote consistency in the parole system and more accurately address public safety.**

Removing unnecessary subjectivity in parole release decisions requires the board to give more deference to sentences imposed by judges according to sentencing guidelines. It is unacceptable for an individual who is otherwise eligible for parole and scores as a low risk on their parole guidelines to be sent back into prison for years simply because one person on the parole board believes they “lack insight,” “sufficient remorse,” or an “adequate parole plan.” Research shows that parole decisions based on objective tools are more accurate at predicting re-offense than decision based on the subjective judgments of individual parole board members.

- 2. Without objective parole standards, thousands of Michigan prisoners will continue to be incarcerated for several years past their eligible release dates.**

Michigan has one of the longest averages for time served for people in prison in the United States.¹ Over the past decade, the average minimum sentence in Michigan increased 26%, reaching 9.5 years in 2015. On average, Michigan prisoners serve 2.6 years beyond their first release date. Subjective standards and tough on crime mentalities have led to a substantial decrease in parole release approvals over the past decade. The proportion of prisoners who were past their earliest release date (ERD) and eligible for parole grew from 16% (5,687 people) in 1991 to 31% (15,950 people) in 2006. Thousands of Michigan prisoners will continue to be incarcerated for several years past their eligible release date without objective standards. In 2016, nearly half of all parole cases considered were denied in the state of Michigan.² Increased parole denials over the past decade reflect a “tough on crime” mentality and a conscious choice to keep certain offenders longer based on their crimes, rather than their risk of re-offending.

¹ Pew Center on the States. 2012. Time Served: The High Cost, Low Return of Longer Prison Terms. Washington, DC: Pew Center on the States.

² MDOC 2017 Parole Board Decisions Report.



Michigan

When a parole board denies release, that individual may spend many more years in prison before they get another chance at freedom—even if they’ve already completed all available programming. This punishment is felt not only by the person in prison, but also by their families and friends, waiting with no information and fading hope for the day their loved one will return to them.

3. Objective parole factors reduce the costly prison population without threatening public safety.

Michigan now spends a larger percentage of its general fund on corrections than any other state in the country. As Michigan’s incarcerated population increased so has the cost burden. In 2015, the \$2 billion spent on corrections accounted for one-fifth of Michigan’s general fund expenditures.³ Since 1985, Michigan’s corrections spending grew 209%, while its education spending has decreased by 55%.⁴

This legislation codifies a practice that the Department of Corrections recently implemented. The bill does not change when people become eligible for parole, but rather the objective criteria ensures that those who are low risk are able to be released upon eligibility. The parole board retains discretion to grant or deny release at any point between the minimum and maximum sentences. State law prohibits the parole board from granting release unless it has reasonable assurance that the person will not be a risk to public safety. That statutory provision is not changed by the bill. The board retains complete discretion to deny parole to anyone if it has objective, verified reasons to believe they pose a current risk.

We need parole reform so that people who have been rehabilitated can return to their families and communities. We need this reform now so that people can lead productive lives in the community instead of growing older and sicker in prison, losing opportunities for reentry, and living in limbo at the mercy of the parole board. We encourage this legislature to pass HB 5377.

Respectfully submitted,

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³ National Association of State Budget Officers (NASBO), State Expenditure Report 1985-2016.

⁴ NASBO, State Expenditure Report 1985-2016